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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/276,175      | 03/25/99    | KAUS                 | PHD98030            |

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MMC1/0316

EXAMINER

MATHEWS, A

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 05/16/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**09/276,175**

Applicant(s)  
**KAUS**

Examiner  
**Alan Mathews**

Group Art Unit  
**2851**



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-4 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1 and 2 is/are rejected.

☒ Claim(s) 3 and 4 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Poetsch (U. S. Patent No. 4,875,102). Poetsch discloses in figure 1 scanning line sensor 8 which extends across two sprocket holes 5 on opposite sides of the film.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Witte (U. S. Patent No. 5,734,171). Witte discloses in figure 1 and column 3, lines 6-23, a light source illuminating sprocket holes 2, 3, 4, and 5. The images of the sprocket holes are applied to a single photosensor 11.

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldridge (U. S. Patent No. 3,578,852) in view of Johnston (U. S. Patent No. 3,794,416). Aldridge discloses in figure 4 projecting images of control markings 20 and 23 into prism 79 and then onto photocell 50. The distance between the images of the markings at the photocell 50 would be shorter than the distance between the markings on the film. Aldridge further discloses in column 1, that the control markings may take the form of slots or punches, but Aldridge does not disclose that the control markings could be sprocket holes. Johnston teaches in column 1, lines 39 and 40, and column 4, lines 46 and 47, that sprocket holes could be used as markings or control marks. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use sprocket holes in Aldridge as markings in view of Johnston for the purpose of convenience to the user.

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***Allowable Subject Matter***

6. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Pearman et al is cited to show registration marks 2 and sensors 19 in figure 2. The patent to Easterly et al is cited to show in figure 9 perforation sensors 92 and 94 (see column 12, lines 21-24). The patent to Poetsch is cited to show The patents on the PTO 1449 are cited for the same reason applicant cited them in his INFORMATION DISCLOSURE STATEMENT.

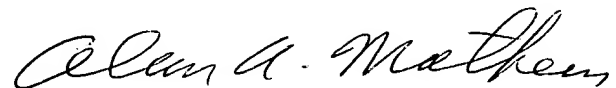
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Alan Mathews at telephone number (703) 308-1706. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM Eastern Time.

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Any inquiry of a general nature or related to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956. The fax phone number for this Group is (703) 305-34[31,32].

A handwritten signature in cursive script, reading "Alan A. Mathews".

**Alan A. Mathews**  
**Primary Examiner**

AAM

March 13, 2000